

**APPENDIX  
TO OPINION IN  
LISA DAWN WINTON HAINES V. LEE ALAN HAINES**

[The GAL]: . . . Do you understand what this is all about? We've been over it many times, haven't we?

ABIGAIL<sup>1</sup> HAINES: (Nods head affirmative.)

JESSICA HAINES: (Nods head affirmative.)

[The GAL]: And that the only thing that Judge Young is interested in, is what's in Abby Haines' and in Jessica Haines' best interest. What's in your best interest, you know that's what we're here about, don't you?

ABIGAIL HAINES: Yes.

[The GAL]: Let's see, I've been your lawyer how long? Two years, over two years. We first started in December of 2003, remember?

ABIGAIL HAINES: Yeah.

JESSICA HAINES: Yes.

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[The GAL]: Okay. Listen, you and I have talked about a lot of things that have happened in your lives. And some of them aren't much fun to talk about, are they?

ABIGAIL HAINES: True.

[The GAL]: And that's what we're here is to -- the last day, I think, that we'll have to go through this, isn't it, Judge?

THE COURT: Yes, it is.

[The GAL]: On telling about good things and bad things and then we can get on down the road with life and be happy and be shared

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<sup>1</sup>As previously noted, the child's name is misspelled throughout the transcript.

by your parents and everybody just love you and not put you through what you've been through before. Okay?

Now, you told me when I first met you that one of the things that really, really troubled you was when you all would have to go to the penitentiary to see your mom's boyfriend, Tex; do you remember that?

ABIGAIL HAINES: Yeah.

[The GAL]: And she took you to the penitentiary about fifteen times you told me.

ABIGAIL HAINES: Yeah.

[The GAL]: And that scared you every time and you didn't like that at all, did you? Is that right?

ABIGAIL HAINES: Yeah.

[The GAL]: And we got that taken care of so you didn't have to go back to the penitentiary, you remember. And I'm sure that Judge is not ever, ever going to let anybody take you to the penitentiary again. Okay? That was frightening, wasn't it?

ABIGAIL HAINES: Yes, it was.

[The GAL]: And you had bad dreams about it and everything, didn't you?

ABIGAIL HAINES: Yes.

[The GAL]: Huh? But those bad dreams are over now. And I'm sorry I have to bring that back up, but that's part of what you shared with me that troubled you, wasn't it?

ABIGAIL HAINES: Yes, it was.

[The GAL]: All right. Now, you got up here and you asked -- and your mom was coming to the school every Wednesday and that was disruptive, and you asked me to tell the Court that you don't want her coming to the schools, didn't you?

ABIGAIL HAINES: Yes.

[The GAL]: And you still feel that way?

ABIGAIL HAINES: Yeah.

[The GAL]: Okay. You too, Ms. Jess?

JESSICA HAINES: Uh-huh (affirmative).

[The GAL:] Okay. All right. Now, when you were down and visiting with your mom, did you see a fight between Tom and Jerry? And I don't mean Tom and Jerry, the cat and the mouse, but I mean Tom and Jerry, two of your mom's boyfriends.

ABIGAIL HAINES: Yeah. Mom was out getting her car fixed and --

[The GAL]: One of them was an old boyfriend and one of them was a new boyfriend?

ABIGAIL HAINES: Uh-huh (affirmative).

[The GAL]: And just tell the Judge what you saw down there.

JESSICA HAINES: We were watching T.V., the door bell rang --

[The GAL]: Speak up, honey.

JESSICA HAINES: We were watching T.V., the door bell rang and it was Tom.

ABIGAIL HAINES: It was Jerry. Tom was already in the house.

JESSICA HAINES: No. Jerry was folding his clothes.

[The GAL]: Well, I tell you what --

JESSICA HAINES: You tell it.

[The GAL]: No, you go ahead and tell it your way, Jessica, and then Abby can tell it her way. How's that? You go ahead, honey.

JESSICA HAINES: And then I --

[The GAL]: The door bell rang and who was it?

JESSICA HAINES: Tom. And then Jerry called me in there. I said, hold on to Tom and Jerry called in there and asked who was it, and I said one of my mom's friends. And so then Jerry came in and shut the door. And then I can't remember the rest. Tom -- I think Tom set something down and then he left because he was all mad at Mom for him coming by.

[The GAL]: And your mom made you call and beg him to come back on her cell phone, didn't she?

JESSICA HAINES: Yes.

[The GAL]: And you didn't want to do that.

JESSICA HAINES: Right.

[The GAL]: Okay. Now, how do you remember it happening, Abby?

ABIGAIL HAINES: I remember it as the door bell rang and I answered it and it was Jerry. And Tom called me back and asked me who it was and I said, Jerry. And then I can't remember what happened after that.

[The GAL]: All right. It wasn't much fun, was it?

ABIGAIL HAINES: No.

[The GAL]: Those two boyfriends were mad at each other.

ABIGAIL HAINES: Yeah.

[The GAL]: And then your mom came home and she was crying or upset?

ABIGAIL HAINES: Yeah.

[The GAL]: Did she have you try to call -- which one?

ABIGAIL HAINES: Tom.

JESSICA HAINES: Tom.

[The GAL]: Tom? Okay. Was Tom living there at that time? Had he moved in?

ABIGAIL HAINES: I don't think.

[The GAL]: There was one guy that was there all night when you guys were there too, wasn't he?

ABIGAIL HAINES: That was Tom.

[The GAL]: That was Tom. And your mom told you to lie about that, didn't she?

ABIGAIL HAINES: Yeah.

[The GAL]: And not tell the truth to the Judge?

ABIGAIL HAINES: Uh-huh (affirmative).

[The GAL]: But he was there when you went to bed and he was there when you got up, wasn't he?

ABIGAIL HAINES: Uh-huh (affirmative).

[The GAL]: And he stayed in your mom's room, didn't he?

ABIGAIL HAINES: Uh-huh (affirmative).

[The GAL]: All right. When it came time to go back home to your daddy, how did your mama tell you to act?

ABIGAIL HAINES: She told us to crawl up in the playground equipment.

[The GAL]: At McDonald's?

JESSICA HAINES: Yeah.

ABIGAIL HAINES: Yes. And --

JESSICA HAINES: She said Dad would have to come up and get us.

[The GAL]: To crawl up there and refuse to come down and pitch a fit?

ABIGAIL HAINES: Uh-huh (affirmative).

[The GAL]: And did she tell you to do that on more than one occasion?

ABIGAIL HAINES: Yep.

[The GAL]: Every time that your daddy came to get you, did your mom tell you to cry and throw a fit and act like you didn't want to go back?

ABIGAIL HAINES: Yep.

[The GAL]: And was that difficult?

ABIGAIL HAINES: Uh-huh (affirmative).

[The GAL]: And that wasn't really the way you felt, was it?

ABIGAIL HAINES: True.

[The GAL]: You want your mom to get some help, don't you?

ABIGAIL HAINES: Yes.

JESSICA HAINES: Yeah.

[The GAL]: But you told me that you want to stay up here and go to school here and live with your daddy and Karen. And however the Judge feels you ought to see your mom, then that's what -- that's what it will be. You want the Judge to make the decision, don't you? Isn't that what you told me?

ABIGAIL HAINES: Uh-huh (affirmative).

[The GAL]: But you guys want to stay here?

ABIGAIL HAINES: Yep.

JESSICA HAINES: (Nods head affirmative.)

[The GAL]: Now, back a long time ago before we're going to the penitentiary, there was a guy named Matt, wasn't there?

ABIGAIL HAINES: Yes, there was.

[The GAL]: Do you remember him? And he lived with you guys too, didn't he?

ABIGAIL HAINES: Uh-huh (affirmative).

[The GAL]: And your mom and you and Matt went all over the United States to these mountain men rendezvous. He'd dress up like a --

JESSICA HAINES: One time he dressed --

[The GAL]: -- a big bear, a woolly -- a mountain man, wouldn't he? And did you all sleep in the car and stuff like that when you would go on these trips?

ABIGAIL HAINES: We'd sleep in a trailer.

[The GAL]: In a trailer?

JESSICA HAINES: But before we had the trailer, we'd -- she would put the seats down and we each had pillows and --

[The GAL]: In the car?

JESSICA HAINES: Yeah.

[The GAL]: You were just kind of a couple of little gypsies, weren't you? Do you know what that means?

JESSICA HAINES: No.

[The GAL]: Okay. You were on the road a lot with Matt the Mountain Man, weren't you?

ABIGAIL HAINES: (Nods head affirmative.)

[The GAL]: And then he left left and then it was Tex and then it was Jerry --

ABIGAIL HAINES: No.

[The GAL]: -- and then it was Tom. Who --

ABIGAIL HAINES: It was Matt, there was Allen, then there was Matt again.

[The GAL]: Did Allen live with you too?

JESSICA HAINES: He spent the night a couple of times.

[The GAL]: He spent the night? Okay.

ABIGAIL HAINES: There was Matt again, then it was Jerry, then Sam and then Jerry.

[The GAL]: Then Sam and then Gary?

ABIGAIL HAINES: Jerry.

[The GAL]: Jerry. Did Sam live there too?

JESSICA HAINES: No.

[The GAL]: He spent the night some?

JESSICA HAINES: No.

ABIGAIL HAINES: Sam was in prison.

[The GAL]: Sam what?

ABIGAIL HAINES: Sam was in prison.

[The GAL]: Now, is Sam and Tex the same one?

ABIGAIL HAINES: Uh-huh (affirmative).



[The GAL]: All right. Okay.

ABIGAIL HAINES: Jerry, there was Tom.

[The GAL]: Is your mom married now?

ABIGAIL HAINES: Uh-huh (affirmative).

[The GAL]: Who is she married to now?

ABIGAIL HAINES: Tom.

[The GAL]: And he's a pretty good guy, isn't he? He treats you nice.

ABIGAIL HAINES: (Nods head affirmative.)

JESSICA HAINES: (Nods head affirmative.)

[The GAL]: And you're not saying any bad things about him. And you've been visiting your mom down here at Gardner Place?

ABIGAIL HAINES: Uh-huh (affirmative).

[The GAL]: How has that been going?

JESSICA HAINES: Good. Good.

[The GAL]: Huh? That's a pretty good place to visit, is it?

ABIGAIL HAINES: Uh-huh (affirmative).

[The GAL]: It's close. Has your mom told you to, recently, to tell anything that's not true?

JESSICA HAINES: Huh-uh (negative).

[The GAL]: Or to throw any fits or --

ABIGAIL HAINES: No.

[The GAL]: -- to act like -- has all that kind of stopped now?

ABIGAIL HAINES: Right.

[The GAL]: Okay. And has your daddy told you to tell the Judge anything that's not untrue?

ABIGAIL HAINES: No.

JESSICA HAINES: Dad told us to always tell the truth.

[The GAL]: Your daddy told you to tell the truth? And that's what I've told you, isn't it?

JESSICA HAINES: Yes.

[The GAL]: Okay. But you all are real strong that you want to stay here, right?

JESSICA HAINES: Right.

ABIGAIL HAINES: (Nods head affirmative.)

[The GAL]: Okay? Do you ever watch a tug of war on T.V. where there's -- or see it on the playground where there's a big, long rope and there's one team pulling on one end of the rope, one team --

ABIGAIL HAINES: Yeah.

JESSICA HAINES: (Nods head affirmative.)

[The GAL]: I guess sometimes you guys feel like the rope with your mom tugging on one end and your daddy tugging on the other end, don't you?

ABIGAIL HAINES: Yeah.

[The GAL]: What?

JESSICA HAINES: Yeah.

[The GAL]: And I bet you a dollar right now that Judge Young is going to end that today and you won't have to go through that anymore, what do you want to bet? That would be nice, wouldn't it?

ABIGAIL HAINES: (Nods head affirmative.)

JESSICA HAINES: (Nods head affirmative.)

[The GAL]: There's been a lot of stress and pressure, hasn't there?  
Is that right?

ABIGAIL HAINES: Yes.

[The GAL]: Ms. Jess, how about you?

JESSICA HAINES: Yeah.

[The GAL]: Okay. Have you got anything else you want to tell the Judge?

JESSICA HAINES: No.

[The GAL]: How about you, Abby?

ABIGAIL HAINES: I'd like to go back to visit my mom on weekends.

[The GAL]: Uh-huh (affirmative).

ABIGAIL HAINES: So I can see my old friends.

THE COURT: Yes.

JESSICA HAINES: I want to see Daisy.

[The GAL]: But if you do that, you don't want any pressure to tell fibs or being pressured to throw fits or anything like that, do you? You know what I'm talking about when I say throwing a fit, don't you?

ABIGAIL HAINES: Yeah.

[The GAL]: Crying and screaming. You all were pretty good little actresses, weren't you? What? That wasn't any fun, was it?

JESSICA HAINES: Abby was the best.

[The GAL]: What?

JESSICA HAINES: Abby was the best.

[The GAL]: You were the best?

JESSICA HAINES: No, Abby was.

[The GAL]: Abby was. All right.

JESSICA HAINES: A couple of times Dad told me to climb off and I got out of the thing and Dad had to climb up for Abby.

ABIGAIL HAINES: And then I'd be out by the time he got out.

JESSICA HAINES: And then you started kicking.

THE COURT: Pretty fast, aren't you?

ABIGAIL HAINES: No, I would stay up by the slide.

THE COURT: Oh, okay. All right.

[The GAL]: And what else did you volunteer to do this morning? Do you remember you asked me if I was retiring and running for mayor, and you volunteered to vote for me, didn't you?

ABIGAIL HAINES: (Nods head affirmative.)

JESSICA HAINES: (Nods head affirmative.)

[The GAL]: I think that would be about the two best votes I could get, Judge.

THE COURT: I think so. Well, that's good. That's good.

[The GAL]: Who told you I was running for mayor?

ABIGAIL HAINES: Daddy.

[The GAL]: All right.